

**49 CFR Ch. X****[STB Ex Parte No. 536 (Sub-No. 53)]****Semiannual Regulatory Agenda**

**AGENCY:** Surface Transportation Board.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Chairman of the Surface Transportation Board is publishing the Regulatory Flexibility Agenda for fall 2022.

**FOR FURTHER INFORMATION CONTACT:** A contact person is identified for each of the rules listed below.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, sets forth several requirements for agency rulemaking. Among other things, the RFA requires that, semiannually, each agency shall publish in the **Federal Register** a Regulatory Flexibility Agenda, which shall contain:

(1) A brief description of the subject area of any rule that the agency expects to propose or promulgate, which is likely to have a significant economic impact on a substantial number of small entities.

(2) A summary of the nature of any such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and

(3) The name and telephone number of an agency official knowledgeable about the items listed in paragraph (1).

Accordingly, a list of proceedings appears below containing information about subject areas in which the Board is currently conducting rulemaking proceedings or may institute such proceedings soon. It also contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking.

The agenda represents the Chairman's best estimate of rules that may be considered over the next 12 months but does not necessarily reflect the views of any other individual Board Member. However, section 602(d) of the RFA, 5 U.S.C. 602(d), provides: "Nothing in [section 602] precludes an agency from considering or acting on any matter not included in a Regulatory Flexibility Agenda or

requires an agency to consider or act on any matter listed in such agenda.”

The Chairman is publishing the agency’s Regulatory Flexibility Agenda for fall 2022 as part of the Unified Agenda of Federal Regulatory and Deregulatory Actions (Unified Agenda). The Unified Agenda is coordinated by the Office of Management and Budget (OMB), pursuant to Executive Orders 12866 and 13563. The Board is participating voluntarily in the program to assist OMB and has included rulemaking proceedings in the Unified Agenda beyond those required by the RFA.

**Dated: September 30, 2022.**

By the Board, Martin J. Oberman.

**Jeffrey Herzig,**

*Clearance Clerk.*

### Surface Transportation Board—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
598	Review of Commodity, Boxcar, and TOFC/COFC Exemptions, EP 704 (Sub-No. 1)	2140-AB29

Surface Transportation Board (STB)	Long-Term Actions

#### **598. REVIEW OF COMMODITY, BOXCAR, AND TOFC/COFC EXEMPTIONS, EP 704 (SUB-NO. 1)**

**[2140-AB29]**

**Legal Authority:** 49 U.S.C. 10502; 49 U.S.C. 13301

**Abstract:** The Board proposed to revoke the class exemptions for the rail transportation of: (1) crushed or broken stone or riprap; (2) hydraulic cement; and (3) coke produced from coal, primary iron or steel products, and iron or steel scrap, wastes, or tailings. On March 19, 2019, the Board issued a decision waiving the prohibition on ex parte communications in this proceeding and providing a 90-day period for meetings with Board members. By decision served September 30, 2020 (published October 5, 2020), the

Board invited public comment on a new approach its Office of Economics has developed for possible use in considering class exemption and revocation issues. Board staff held technical conferences on the proposed approach on December 18, 2020, and January 15, 2021.

**Timetable:**

Action	Date	FR Cite
NPRM	03/28/16	81 FR 17125
NPRM Comment Period End	07/26/16	
NPRM Reply Comment Period End	08/26/16	
Request for Further Comment in Rulemaking Proceeding	10/05/20	85 FR 62689
Comment Period End	01/29/21	
Reply Comment Period End	03/01/21	
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Yes

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**RIN:** 2140-AB29

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